

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

PART 741  
STATE PARKS SYSTEM

**324.74101 Definitions.**

Sec. 74101. As used in this part:

- (a) "Committee" means the citizens committee for Michigan state parks created in section 74102a.
- (b) "Improvement program" means the construction, reconstruction, development, improvement, bettering, operating, maintaining, and extending a facility at a state park, including a site improvement, impoundment, road and parking lot, toilet building, concession building, shelter building, bathhouse, utility, outdoor center, visitor service facility, ski area, ski tow, ski shelter, and administration unit.
- (c) "Motor vehicle" means a vehicle that is self-propelled.
- (d) "State park" means a state park or state recreation area designated by the director.
- (e) "State park improvement account" means the state park improvement account of the Michigan conservation and recreation legacy fund provided for in section 2030.
- (f) "State park revenues" means all revenues collected for state parks, including but not limited to, motor vehicle permits, concession fees, nonmotorized trail permits, fees, leases, camping fees, sale of farm animals from Maybury state park, donations, and gifts.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 392, Imd. Eff. Oct. 15, 2004;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

**Compiler's note:** Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

**Popular name:** NREPA

**324.74102 Legislative findings; duties of department.**

Sec. 74102. (1) The legislature finds:

- (a) Michigan state parks preserve and protect Michigan's significant natural and historic resources.
- (b) Michigan state parks are appropriate and uniquely suited to provide opportunities to learn about protection and management of Michigan's natural resources.
- (c) Michigan state parks are an important component of Michigan's tourism industry and vital to local economies.

(2) The department shall create, maintain, operate, promote, and make available for public use and enjoyment a system of state parks to preserve and protect Michigan's significant natural resources and areas of natural beauty or historic significance, to provide open space for public recreation, and to provide an opportunity to understand Michigan's natural resources and need to protect and manage those resources.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.74102a Create citizens committee for Michigan state parks; membership; functions.**

Sec. 74102a. (1) The citizens committee for Michigan state parks is created within the department.

(2) The committee shall consist of 17 individuals appointed by the director with the advice of the commission.

(3) The members first appointed to the committee shall be appointed within 60 days after the effective date of the amendatory act that added this section.

(4) Members of the committee shall serve for terms of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 6 shall serve for 4 years, 6 shall serve for 3 years, and 5 shall serve for 2 years.

(5) If a vacancy occurs on the committee, the director shall make an appointment for the unexpired term in the same manner as the original appointment.

(6) The committee may remove a member of the committee for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause upon a majority vote of the members. An individual shall be removed from the committee if he or she does not attend 4 consecutive meetings of the committee.

(7) The first meeting of the committee shall be called by the director. At the first meeting, the committee shall elect from among its members a chairperson and other officers as it considers necessary or appropriate. After the first meeting, the committee shall meet at least twice each year, or more frequently at the call of the chairperson or if requested by 9 or more members.

(8) Nine members of the committee constitute a quorum for the transaction of business at a meeting of the committee. A majority of the members present and serving are required for official action of the committee.

(9) The business that the committee may perform shall be conducted at a public meeting of the committee held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(10) A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(11) Members of the committee shall serve without compensation. However, members of the committee may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as members of the committee.

(12) The committee shall do all of the following:

(a) Advise and make recommendations to the governor, the commission, and the legislature on state parks policy and provide guidance on state parks development, management, and planning issues.

(b) Seek the development of a broad variety of programs, facilities, and services for our citizens utilizing the state parks.

(c) Inform and educate the public about the importance of and need for state parks.

(d) Strive to involve citizens in the planning and development of state parks and to ensure that the facilities, programs, and projects are barrier-free and accessible to all citizens.

(e) Establish and maintain effective public relations regarding state parks, utilizing all appropriate communications media.

(f) Advise on financial planning and pursue adequate budget support for state parks.

(g) Serve as a liaison and coordinate with other agencies to ensure a cooperative effort to provide the most effective and economical services possible at state parks.

(h) Within 2 years after the effective date of the amendatory act that added subdivision (j) and periodically thereafter, evaluate and submit a report to the standing committees of the legislature with jurisdiction over issues pertaining to natural resources and the environment on the state parks programs, facilities, services, and relationships to assure that the committee's goals and objectives are being achieved.

(i) Advise and make recommendations to the department on the gem of the parks award, the state parks volunteer of the year award, and the state parks employee of the year award established under section 74124.

(j) Review and make recommendations to the department on whether land within a state park should be transferred as provided in section 74102b.

(13) The chairperson of the committee shall ensure that all proposed policy positions of the committee are sent to the committee members at least 1 week in advance of the meeting at which the policy position will be acted upon. The committee may adopt an emergency resolution that has not been sent to committee members at least 1 week prior to a meeting of the committee, but only upon the approval of 3/4 of those present at the meeting.

**History:** Add. 2004, Act 392, Imd. Eff. Oct. 15, 2004;—Am. 2006, Act 307, Imd. Eff. July 20, 2006.

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### **324.74102b Transfer of 100 acres or more than 15% of total acreage of state park; proposal; public hearing; recommendation; conditions; website; definitions.**

Sec. 74102b. (1) Prior to recommending that the state transfer more than 100 acres or more than 15% of the total acreage of a state park, whichever is less, by sale or otherwise, the department shall do both of the following:

(a) Submit a proposal with detailed information regarding the potential transfer to the committee for its review and recommendation.

(b) Submit a proposal with detailed information regarding the potential transfer to the commission for its review and approval.

(c) Hold a public hearing, following appropriate public notice, in the vicinity of the state park.

(2) Upon receipt of a proposal under subsection (1), the committee shall review the proposal and make a recommendation to the department. The committee's recommendation is not binding on the department.

(3) Following the public hearing under subsection (1) and receipt of the committee's recommendation

under subsection (2), if the commission has approved the proposed transfer, the department may prepare a written recommendation for the transfer of land within a state park. The written recommendation shall include the committee's recommendation. The written recommendation shall be submitted to the standing committees of the senate and house of representatives with jurisdiction over issues primarily pertaining to natural resources and the environment and to the senate and house appropriations committees. If the recommendation is for the transfer of more than 100 acres or more than 15% of the total acreage of a state park, whichever is less, to another public entity without compensation, the recommendation shall include a proposed deed restriction on the land that provides for public access to the land for purposes of hunting and fishing and other similar recreational uses of the land.

(4) The transfer of more than 100 acres or more than 15% of the total acreage of a state park, whichever is less, is prohibited unless specifically authorized by law.

(5) State park land, other than state park land described in subsection (4), shall not be sold unless all of the following conditions are met:

(a) The department has posted on its website notice of the proposed sale.

(b) The department has provided written notice of the proposed sale to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment.

(c) The commission has approved the sale.

(d) The sale is not completed for a period of at least 30 days after the notice has been provided to the standing committees under subdivision (b).

(6) The department shall publish on its website a list of the acreage of each state park on the effective date of the amendatory act that added this subsection.

(7) As used in this section:

(a) "State park" means land within the dedicated boundary of a state park or state recreation area that was designated as a state park or state recreation area on the effective date of the amendatory act that added this section and any land within the dedicated boundary of a state park or state recreation area that is designated as a state park or state recreation area by the director after the effective date of the amendatory act that added this section.

(b) "Total acreage of a state park" means the total acreage within the dedicated boundaries of a state park on the effective date of the amendatory act that added this section or the largest amount of acreage included within the dedicated boundaries of a state park after the effective date of the amendatory act that added this section, whichever is greater.

**History:** Add. 2006, Act 307, Imd. Eff. July 20, 2006.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74103 Powers of department; land acquisition and improvement program.**

Sec. 74103. In implementing the responsibilities under this part, the department may do 1 or more of the following:

(a) Enter into contracts or agreements that may be necessary to implement this part.

(b) Lease state park property to a person.

(c) Accept gifts, grants, or bequests from any public or private source to be used for a purpose consistent with this part.

(d) Acquire property for designation as a state park.

(e) Provide the granting of concessions to a person within the boundaries of a state park. In granting a concession, the department shall provide that each concession is awarded at least every 7 years based on extension, renegotiation, or competitive bidding.

(2) The department may acquire land and undertake an improvement program for state parks, pursuant to the powers, rights, and privileges conferred by this part, but land acquisition or an improvement program shall not be undertaken until approved by the legislature in the annual capital outlay appropriation act.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74103a Shooting range; posting hours of operation.**

Sec. 74103a. At each state park that contains a designated shooting range that is open to visitors, the department shall post a notice at the entrance to the recreational areas of the state park that states the regular hours of operation of the shooting range. The notice shall be posted in a visible location, and the lettering on the notice shall be of a sufficient type size to be easily read by state park visitors. The department is not

required to post the hours of operation in which the shooting range is open for special events. However, if the department does not post the hours of operation in which the shooting range is open for special events, the notice shall include a statement to that effect.

**History:** Add. 2006, Act 15, Imd. Eff. Feb. 9, 2006.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74104 “Adopt-a-park” program.**

Sec. 74104. (1) The department shall establish an “adopt-a-park” program that will allow volunteer groups to assist state park staff in maintaining and enhancing state parks.

(2) Subject to subsection (3), volunteer groups in the adopt-a-park program may adopt any available state park and may choose any 1 or more of the following volunteer activities:

- (a) Spring cleanups.
- (b) Environmental activities.
- (c) Accessibility projects.
- (d) Special events.
- (e) Park maintenance and development.
- (f) Public information and assistance.
- (g) Training.

(3) The department shall designate the activities to be performed by a volunteer group in the adopt-a-park program. The department may provide for more than 1 volunteer group to adopt a state park.

(4) A volunteer group that wishes to participate in the adopt-a-park program shall submit an application to the department on a form provided by the department. Additionally, volunteer groups shall agree to the following:

- (a) Volunteer groups shall participate in the program for at least a 2-year period.
- (b) Volunteer groups shall consist of at least 6 people who are 18 years of age or older, unless the volunteer group is a school or scout organization, in which case the volunteers may be under 18 years of age.
- (c) Volunteer groups shall give a total of 400 hours over a 2-year period.
- (d) Volunteer groups shall comply with other reasonable requirements of the department.
- (5) A state park manager may issue to volunteers who are actively working on adopt-a-park projects that last more than 1 day free camping permits if campsites are available. A state park manager may waive state park entry fees for volunteers entering state parks to work on adopt-a-park projects.

(6) The department shall design and erect near the state park headquarters of each state park in the adopt-a-park program an adopt-a-park program sign with the name of the volunteer group's sponsoring organization listed for each volunteer group that has contributed at least 100 service hours by volunteers.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74105 Volunteers; appointment; immunity from civil liability; carrying of firearm prohibited.**

Sec. 74105. The department may appoint persons to serve as volunteers for the purpose of facilitating the responsibilities of the department as provided in this part. While a volunteer is serving in such a capacity, the volunteer has the same immunity from civil liability as a department employee and shall be treated in the same manner as an employee under section 8 of Act No. 170 of the Public Acts of 1964, being section 691.1408 of the Michigan Compiled Laws. A volunteer shall not carry a firearm while functioning as a volunteer.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74106 Revenue bonds; issuance; amount; notice; includable costs; resolution.**

Sec. 74106. For the purpose of providing a park improvement program, the commission may issue revenue bonds as provided in this part. The commission may issue revenue bonds payable from state park revenues. The aggregate principal amount of the revenue bonds shall not exceed \$100,000,000.00. The department shall provide notice to the appropriations committee of the senate and the house of representatives at least 30 days before bonds are offered for sale. There may be included in the cost for which bonds are to be issued a reasonable allowance for legal, engineering, architectural and consultant services, traffic studies, cost of

printing and issuing of the bonds, interest on the bonds becoming due before collection of the first available state park revenues and for a period of 1 year thereafter, and other incidental expenses. The bonds shall be authorized by a resolution adopted by a majority vote of a quorum of the commission and may be issued in 1 or more series as shall be determined by the commission.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.74107 Authority of department.**

Sec. 74107. The commission may authorize the department, but only within limitation which shall be contained in the commission's authorizing resolution, to do 1 or more of the following:

- (a) Sell and deliver and receive payment for bonds.
- (b) Approve interest rates, purchase prices, discounts, premiums, maturities, principal amounts, interest payment dates, redemption rights at the option of the commission or the holder, and the place and time of delivery and payment for the bonds.
- (c) Deliver bonds to refund prior bonds or partly to refund bonds and partly for other authorized purposes.
- (d) Select which outstanding bonds will be refunded, if any, by the new issue of bonds.
- (e) Any other matters and procedures necessary to complete the issuance and delivery of the bonds.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.74108 Resolution authorizing issuance of bonds; contents.**

Sec. 74108. A resolution adopted by the commission authorizing the issuance of bonds shall contain all of the following:

- (a) A description in reasonable detail of the improvement program as approved by the legislature, for which the bonds are to be issued.
- (b) The form of the bonds and all of the following:
  - (i) The maturity date or dates for the bonds with no maturity later than 30 years after the issuance of the bonds.
  - (ii) The principal amount of and principal payment dates for the bonds.
  - (iii) The interest rate or rates for the bonds or that bonds shall not bear any interest.
  - (iv) The redemption provisions, with or without premium, for the bonds, if any.
  - (v) The authorized denominations for the bonds.
  - (vi) Whether the bonds may be sold at a discount or for a premium.
  - (vii) The manner in which the bonds will be executed.
  - (viii) Any other provision concerning the bonds or the security for the bonds the commission considers appropriate.
- (c) A provision that the state park revenues shall be pledged for the payment of the bonds. However, the pledge of state park revenues shall be on a parity with pledges of the revenues previously or subsequently made by the commission pursuant to any other resolution authorizing the issuance of bonds under this part and the resolution shall state that the pledge complies with this subdivision.
- (d) A covenant that the park permit fees and penalties provided in section 74117 shall be revised from time to time within the limits permitted by law when necessary to ensure that the revenues to be derived from the fees shall be sufficient to pay the principal of and interest on bonds issued pursuant to this part and other obligations of the commission in connection with the issuance of bonds.
- (e) A provision requiring the fiscal agent to set aside money from the state park revenue bond receiving fund into a fund to be designated as the state park debt service fund in a sum proportionately sufficient to provide for the payment of the principal of and interest upon all bonds payable from the fund as and when the principal and interest becomes due and payable in the manner prescribed by the commission. In addition the resolution shall authorize the commission to provide that a reasonable excess amount may be set aside by the fiscal agent from time to time as directed by the commission in the state park debt service fund to produce and provide a reserve to meet a possible future deficiency in the fund. The resolution shall further provide that out of the revenues remaining each quarter, after having first met the requirements of the state park debt service fund, including the reserve for the fund, the commission may by direction to the fiscal agent next set aside additional money in the state park debt service fund for the purpose of calling bonds for redemption, subject to approval by the state administrative board. The resolution shall also contain a provision for the investment of funds held by the fiscal agent.



(f) A provision that money on deposit in the state park revenue bond receiving fund after setting aside the amounts in the state park debt service fund is surplus money, and shall be deposited quarterly by the fiscal agent upon the order of the commission in the state treasury in the state park improvement account. Money in the state park improvement account shall be used only for the improvement, operation, and maintenance of state parks and recreation areas and for the administration of the state park improvement account. Not less than \$10.00 of each annual permit and not less than \$2.00 of each daily permit projected to be sold in a fiscal year may be appropriated from the state park improvement account for the maintenance and operation of state parks and recreation areas in that fiscal year.

(g) The terms and conditions under which additional bonds payable from the state park revenues of equal standing with a prior issue of bonds may be issued.

(h) A provision for deposit and expenditure of the proceeds of sale of the bonds and for investment of the proceeds of sale of the bonds and of other funds of the commission relating to bonds authorized by this part.

(i) A provision that in the event of a default in the payment of principal of or interest on the bonds, or in the performance of an agreement or covenant contained in the resolution, the holders of a specified percentage of the outstanding bonds may institute 1 or more of the following for the equal benefit of the holders of all of the bonds:

(i) An action of mandamus or any other suit, action, or proceeding to enforce the rights of the holders of the bonds.

(ii) An action upon the defaulted bonds or coupons.

(iii) Any other action as may be provided by law.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

**Compiler's note:** Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74109 Repealed. 2003, Act 170, Eff. Jan. 1, 2004.**

**Compiler's note:** The repealed section pertained to prohibited use of increased fee revenue for state park operations and the conditional repeal of 177 PA 1989.

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**Popular name:** NREPA

### **324.74110 Revenue bonds; state debt; extent of liability.**

Sec. 74110. Any bond issued under this part shall state that it is not a general obligation of the state of Michigan, but is a revenue bond payable only from state park revenues. Nothing in this part authorizes the state to incur debt contrary to the constitution or laws of the state. The holders of the bonds shall not have the right to compel a sale of any real estate or personal property of the state parks, nor shall the holders of the bonds have any lien, mortgage, or other encumbrances upon any property of the state of Michigan, real, personal, or mixed. Bonds shall be fully negotiable within the meaning of the negotiable instruments law of this state.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74111 Revenue bonds; refunding issue.**

Sec. 74111. The commission may issue bonds for the purpose of refunding any obligations issued under this part, or may authorize a single issue of bonds in part for the purpose of refunding such obligations and in part for the purpose of financing any additional cost of land or improvement program. Bonds issued under this section are payable only from state park revenues and may be sold in the manner provided for the sale of bonds in this part. If sold, that portion of the proceeds representing the refunding portion may be either applied to the payment of the obligations refunded or deposited in escrow for their retirement.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74112 Maximum rate of interest; sale and award of bonds; public or private sale; advertisement; notice of sale.**

Sec. 74112. (1) The maximum rate of interest on bonds issued under this part shall be that set forth for bonds in the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The sale and award of bonds shall be conducted and made by the commission at a public or private sale. If a public sale is held, the bonds shall be advertised for sale once not less than 7 days before sale in a publication with statewide circulation that carries as a part of its regular service notices of the sales of municipal bonds and that has been designated in the resolution as a publication complying with these qualifications. The notice of sale shall be in the form designated by the commission.

(2) Bonds issued under this part are not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(3) The issuance of bonds under this part is subject to the agency financing reporting act.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2002, Act 249, Imd. Eff. Apr. 30, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74113 State park revenues; fiscal agent; receiving fund; expenses; designation of paying agents.**

Sec. 74113. All state park revenues shall be deposited with the state treasurer who shall act as the fiscal agent for the department. The state treasurer shall establish a special depository account to be designated “state park revenue bond receiving fund”. The necessary expenses of the fiscal agent incurred by reason of his or her duties under this part shall be paid from the state park revenue bond receiving fund. The commission may designate banks or trust companies to act as paying agents for bonds issued pursuant to this part. The paying agent shall be paid from the state park debt service fund.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74114 Fees; establishment; collection; deposit.**

Sec. 74114. The department may establish fees and collect fees for activities in state parks except those activities for which fees are established under this part. All fees collected under this section shall be deposited into the state park improvement account.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

**Compiler's note:** Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74115 Free entry of motor vehicles into posted park prohibited.**

Sec. 74115. Except as otherwise provided in this part, free entry of a motor vehicle shall not be permitted into any state park or portion of a state park posted in accordance with this part.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74116 Park permits; exempted vehicles.**

Sec. 74116. The department shall designate the state parks in which a park permit is required for lawful entry by motor vehicle. The department shall designate only those parks in which state facilities and services are provided for the public. The department may designate portions of state parks where a park permit is not necessary. The department shall post signs at designated parks or designated portions of parks that state that a motor vehicle park permit is required. A person shall not enter any state park or portion of a state park in which a motor vehicle park permit is required without a valid motor vehicle permit affixed to the vehicle. A valid park permit procured pursuant to section 74117 shall be permanently affixed to the lower right-hand corner of the windshield of any motor vehicle entering a state park or portion of a state park in which a motor vehicle park permit is required, except that a park permit is not required to be affixed to a motor vehicle while the motor vehicle is being driven or parked within an established federal, state, or county highway within a state park. The requirement to obtain a motor vehicle park permit does not apply to motor vehicles used in the operation or maintenance of state parks, to emergency vehicles, or to state-owned or law enforcement motor vehicles or private motor vehicles being operated on official state business.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.74117 Park permits; waiver; fees; report; additional permits for special services or park privileges; sales; surety bond; commercial motor coaches or vans; use of credit card; lost or destroyed park permit; "resident motor vehicle" defined.**

Sec. 74117. (1) The department may require park permits and collect park permit fees for entry into a state park or portion of a state park posted in the manner prescribed by this part. The department may waive the permit requirement for department-sponsored events or other circumstances as determined by the director or the director's designee. The department shall prepare and distribute park permits to implement this part.

(2) Except as otherwise provided in this section, an annual park permit shall be issued and shall authorize the entry of the motor vehicle to which it is originally attached within the confines of any state park or recreation area during the calendar year for which it is issued. The fee for the annual park permit is as follows:

(a) Before April 1, 2010, for the owner of a resident motor vehicle, \$24.00, except as follows:

(i) The fee for the owner of a resident motor vehicle who is 65 years of age or older is \$6.00.

(ii) The fee for the owner of a resident motor vehicle who, at the time of purchase, is in possession of a food stamp card and personal identification is \$18.00.

(b) Before April 1, 2010, for the owner of a nonresident motor vehicle, \$29.00.

(3) A daily permit, valid for 1 day only, shall authorize the entry of the motor vehicle to which it is originally attached within the confines of a state park during the day for which it is issued. The fee for a daily permit is as follows:

(a) Before April 1, 2010, for the owner of a resident motor vehicle, \$6.00.

(b) Before April 1, 2010, for the owner of a nonresident motor vehicle, \$8.00.

(4) A person who has obtained an annual motor vehicle permit under this section for a recreational vehicle to be used as a stationary primary camping shelter camped legally in and not moved from a state park campground during the period of the camping stay may obtain a duplicate motor vehicle permit for a towed second motor vehicle present at the time of entry for a fee of \$6.00 effective for the duration of the camping stay.

(5) The department shall provide to the standing committees in the senate and house of representatives along with the appropriate budget subcommittees that primarily consider issues pertaining to natural resources an annual report that details the revenue stream generated by the fee structure under this section. This report shall be presented not later than December 31 each year and shall include information on the impact of the revenue stream on the Michigan state parks endowment fund created in section 35a of article IX of the state constitution of 1963 and provided for in section 74119, the use of the general fund for funding the state park system, and other relevant issues that impact funding needs for the state park system.

(6) This part applies only to the entry of motor vehicles into the state parks and to the park permits authorized in this part and does not obviate the necessity of obtaining additional permits for special services or park privileges as previously or subsequently may be required by law or by rules promulgated by the department. The department shall designate each person in the state authorized to sell park permits and shall require as a condition of the designation of a person other than a department employee that the person furnish a surety bond in an amount, in a form, and with a surety that is acceptable to the department. After being designated by the department, a person may issue park permits in accordance with this part.

(7) Commercial motor coaches or vans with a capacity of more than 12 passengers are not eligible to enter a state park with an annual park permit. Before April 1, 2010, the daily fee to allow commercial motor coaches or vans with a capacity of over 12 passengers daily entry into a state park is \$15.00.

(8) The department may add to the cost of a reservation or a motor vehicle entrance or camping fee the charges that the state incurs because of the use of a credit card.

(9) If a person's annual park permit is lost or destroyed, the department shall provide that person with a replacement park permit free of charge. The department may require a person requesting a replacement park permit to supply sufficient evidence of the loss or destruction of the original park permit.

(10) As used in this section, "resident motor vehicle" means a vehicle that is registered as a motor vehicle in this state.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2003, Act 170, Eff. Jan. 1, 2004;—Am. 2006, Act 477, Imd. Eff. Dec. 21, 2006;—Am. 2009, Act 197, Imd. Eff. Dec. 28, 2009.

**Popular name:** Act 451

**Popular name:** NREPA



### **324.74118 Park permits; monthly accounting; compensation; report.**

Sec. 74118. On or before the tenth day of every month, all persons authorized to sell park permits shall pay to the department all money received from the sale of park permits for the preceding month. Any person who refuses or neglects to pay the money as provided in this section, in addition to other penalties provided by law, forfeits the right to sell park permits. All persons authorized to sell park permits, except employees of the department who receive a regular salary from the state, may charge the purchaser as compensation 15 cents additional for each annual park permit and 10 cents additional for each daily park permit issued. On or before February 15 of each year a complete report of all permits sold during the previous calendar year shall be filed with the department by each person authorized to sell park permits, and all unsold park permits for the previous year shall be returned to the department.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74119 Michigan state parks endowment fund.**

Sec. 74119. (1) In accordance with section 35a of article IX of the state constitution of 1963, the Michigan state parks endowment fund is created within the state treasury. The Michigan state parks endowment fund may be referred to as the Genevieve Gillette state parks endowment fund.

(2) The state treasurer may receive money or other assets from any source for deposit into the endowment fund. The state treasurer shall direct the investment of the endowment fund. The state treasurer shall have the same authority to invest the assets of the endowment fund as is granted to an investment fiduciary under the public employee retirement system investment act, 1965 PA 314, MCL 38.1132 to 38.1140<sup>1</sup>. The state treasurer shall credit to the endowment fund interest and earnings from endowment fund investments.

(3) Money in the endowment fund at the close of the fiscal year shall remain in the endowment fund and shall not lapse to the general fund.

(4) The accumulated principal of the endowment fund shall not exceed \$800,000,000.00, which amount shall be annually adjusted pursuant to the Detroit consumer price index—all items beginning when the endowment fund reaches \$800,000,000.00. This annually adjusted figure is the accumulated principal limit of the endowment fund.

(5) Money in the endowment fund shall be expended for operations, maintenance, and capital improvements at Michigan state parks and for the acquisition of land or rights in land for Michigan state parks.

(6) Money in the endowment fund shall be expended as follows:

(a) Until the endowment fund reaches an accumulated principal of \$800,000,000.00, each state fiscal year the legislature may appropriate not more than 50% of the money received under section 35 of article IX of the state constitution of 1963 plus interest and earnings and any private contributions or other revenue to the endowment fund.

(b) Once the accumulated principal in the endowment fund reaches \$800,000,000.00, only the interest and earnings of the endowment fund in excess of the amount necessary to maintain the endowment fund's accumulated principal limit shall be expended.

(7) Unexpended appropriations of the endowment fund from any state fiscal year as authorized by this section may be carried forward or may be appropriated as determined by the legislature for purposes of this section.

(8) The department shall annually prepare a report containing an accounting of revenues and expenditures from the endowment fund. This report shall identify the interest and earnings of the endowment fund from the previous year, the investment performance of the endowment fund during the previous year, and the total amount of appropriations from the endowment fund during the previous year. This report shall be provided to the senate and house of representatives appropriations committees and the standing committees of the senate and house of representatives with jurisdiction over issues pertaining to natural resources and the environment.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2002, Act 54, Eff. Sept. 21, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.74120 Rules.**

Sec. 74120. The department may promulgate rules to implement this part.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.74121 State parks; prohibited conduct.**

Sec. 74121. A person shall not do the following in a state park:

- (a) Destroy, damage, or remove any tree, shrub, wildflower, or other vegetation or property without the permission of the department.
- (b) Operate a motor vehicle except in a designated area.
- (c) Violate this part or rules promulgated under this part.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.74122 Violation of part or rule as misdemeanor; presumption; penalty.**

Sec. 74122. (1) A person who violates this part or a rule promulgated under this part is guilty of a misdemeanor. In any proceeding for the violation of this part or a rule promulgated under this part, where a motor vehicle without the required park permit affixed is found parked in any state park, the registration plate displayed on the motor vehicle constitutes prima facie evidence that the owner of the motor vehicle was the person who parked or placed it at the location where it was found.

(2) In addition to the penalties provided for in subsection (1), a person convicted of an act of vandalism shall reimburse the department up to 3 times the amount of the damage as determined by the court. All money collected pursuant to this subsection shall be credited to the state park improvement account.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

**Compiler's note:** Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.74123 Failure to purchase park permit; establishment of fine.**

Sec. 74123. The department may establish a fine for failure to purchase a park permit which shall be twice the cost of a motor vehicle entrance permit or daily permit as established by this part or by the department.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.74124 Create "gem of the parks", "volunteer of the year", and "employee of the year" award program.**

Sec. 74124. (1) The department shall create a "gem of the parks" award to recognize key state parks for their contribution to the state parks system, a "volunteer of the year" award to recognize outstanding individuals who donate time or monetary contributions to the state park system, and an "employee of the year" award to recognize individuals who are outstanding employees of the state park system. The department shall develop a program to facilitate the determination and presentation of these awards. The awards shall be made on a yearly basis.

(2) The department shall develop a set of standards to use in determining the recipients of the awards under subsection (1) with consideration given to the following:

(a) The contribution of the state park, the volunteer, or the employee to the preservation of the state's natural resources.

(b) The amount of any monetary donation.

(c) The length of time donated or the years of employment.

(d) The length of a long-term commitment to the preservation of the environment.

(3) The department annually shall submit the names of the award recipients under subsection (1) to the standing committees in the senate and house of representatives responsible for natural resources matters.

**History:** Add. 2004, Act 395, Imd. Eff. Oct. 15, 2004.

**Compiler's note:** Former MCL 324.74124, which pertained to the powers of park and recreation enforcement officers, was repealed by Act 414 of 2000, Eff. Mar. 28, 2001.

**Popular name:** Act 451

**Popular name:** NREPA

**324.74125 Bonds; exemption from taxation.**

Sec. 74125. All bonds issued pursuant to this part and the interest on those bonds is exempt from taxation by the state, or by any municipality, corporation, county, or other political subdivision or taxing district of the state.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.74126 "Fred Meijer White Pine Trail State Park"; "Fred Meijer Berry Junction Trail"; criteria for naming state parks and state owned recreational facilities.**

Sec. 74126. (1) The state owned land containing the White Pine trail, which traverses an abandoned rail corridor between Comstock Park and Cadillac, shall be known as the "Fred Meijer White Pine Trail State Park".

(2) The department shall facilitate the establishment of a recreational trail that traverses, in part, the abandoned rail corridor that runs from White Lake drive, south of the city of Whitehall, to Lake avenue in the city of North Muskegon. This trail shall be known as the "Fred Meijer Berry Junction Trail".

(3) The department, in consultation with the committee, the commission, and the Michigan natural resources trust fund board established in section 1905, shall develop criteria for naming state parks and other state owned recreational facilities. Within 1 year after the effective date of the amendatory act that added this subsection, the department shall present to the standing committees of the senate and the house of representatives with jurisdiction primarily relating to natural resources and state parks the criteria it has developed under this section.

**History:** Add. 2006, Act 248, Imd. Eff. July 3, 2006.

**Popular name:** Act 451

**Popular name:** NREPA